

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A.H. EDSALL, SR.,

Plaintiff,

No. CIV S-02-2155 GEB GGH P

vs.

R.N. JOHNSON, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.

On March 6, 2006, plaintiff a request for extension of time to file a motion to compel. On March 15, 2006, the court granted plaintiff's first request and granted plaintiff thirty days to file a motion to compel. In this order, the court also re-set the dates set in the scheduling order. On April 24, 2006, plaintiff filed his second request for extension of time to file a motion to compel. On May 17, 2006, the court granted plaintiff thirty days to file his motion to compel.

The grounds of all of plaintiff's requests for extension of time were that on December 22, 2005, he was placed in administrative segregation and had since been unable to gain access to his legal property.

////

1 On September 19, 2006, the court ordered the Warden of Salinas Valley State
2 Prison to inform the court whether plaintiff had access to his legal property. On September 25,
3 2006, the Warden filed a letter with the court stating that on September 19, 2006, plaintiff
4 received his legal property. Accordingly, on October 30, 2006, the court granted plaintiff thirty
5 days to file a motion to compel.

6 On November 27, 2006, plaintiff filed a letter with the court stating that the
7 litigation coordinator gave him a box he claimed to contain all of plaintiff's legal property
8 relating to his civil actions. Plaintiff claims that the box did not contain his civil legal property.
9 Plaintiff states that he will have to obtain copies of documents regarding this action in order to
10 file a motion to compel.

11 If what plaintiff says is true, the court is losing patience with unnecessary delays.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. Within ten days of the date of this order, the Warden of Salinas Valley State
14 Prison shall inform the court of the status of plaintiff's access to his legal property related to this
15 action;

16 2. The Clerk of the Court is directed to serve a copy of this order on Warden,
17 Salinas Valley State Prison, P.O. Box 1050, Soledad, California, 93960-1050.

18 DATED: 12/13/06

/s/ Gregory G. Hollows

19
20 _____
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

21 ed2155.fb
22
23
24
25
26